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TO RUEHC/SECSTATE WASHDC PRIORITY 7890
INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE
RUEHBY/AMEMBASSY CANBERRA 1339
RUEHNE/AMEMBASSY NEW DELHI 4868
RUEHUL/AMEMBASSY SEOUL 8427
RUEHKO/AMEMBASSY TOKYO 5989
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RUEHGV/USMISSION GENEVA 3891
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RUEKJCS/SECDEF WASHDC
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RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000542

SIPDIS

STATE FOR EAP AND IO; PACOM FOR FPA

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SUBJECT: BURMESE SUPREME COURT REJECTS MAY DAY APPEALS

Classified By: Pol Officer Sean O'Neill for Reasons 1.4 (b) & (d)

SUMMARY

¶1. (C) An opposition lawyer confirmed that the Supreme Court rejected the appeals of six labor activists arrested in connection with a seminar at the American Center in May 2007.

The health of detained 88 Generation Students activist Myo Yan Naung Thein has steadily deteriorated in prison, according to his colleagues. Four NLD members, who were arrested last March for conducting small pro-democracy demonstrations, were sentenced to one year in prison. Detained activist Htin Kyaw's lawyer reported that, contrary to exile media reports, his client did appear at court hearing at Insein prison, but noted no significant developments in his case. Authorities have still not provided any information regarding the reason NLD member Khin Maung was arrested, despite media speculation he was detained in connection with a July 2 bombing at a USDA office.

MAY DAY APPEALS

¶2. (C) Opposition lawyer U Aung Thein confirmed that last week, the Supreme Court rejected the appeals of six labor activists arrested in connection with a seminar at the American Center in May 2007. Aung Thein noted that the court had not provided an explanation for its decision, as it normally does. This round of appeals was heard by a single judge on the Supreme Court. Another avenue of appeal involving a multi-judge panel is available under Burmese law.

Aung Thein told us that he expects to file a final appeal on behalf of his clients, but would wait to see the court's written opinion before doing so. On September 7, 2007, the six activists were sentenced to prison terms of between 20 and 28 years for sedition and unlawful association.

¶3. (C) ILO Liaison Officer Steve Marshall told us he raised this matter with the Director General of the Ministry of Labor on Saturday July 5. In their meeting, Marshall reminded the Director General of Burma's obligations to respect freedom of association, requested a copy of the Supreme Court's decision, and repeated the ILO's demand that all six labor activists be released. He also transmitted these points in writing to the Labor Minister. Marshall expected ILO Deputy Director General Kari Tapiola would soon

make a public statement about the court's rejection of these appeals and would once again call for the release of the activists.

88GS DETAINEE HEALTH

14. (C) U Aung Thein and human rights activist Ko Maung Maung Lay informed us that the health of detained 88 Generation Students (88GS) activist Myo Yan Naung Thein has steadily deteriorated in prison. The two, who saw the detained activist in court last week, observed that his hands were shaking uncontrollably and he was unable to walk. A family friend told DVB that authorities had repeatedly denied Myo Yan Naung Thein's request for adequate medical care, including an operation to treat his paralysis. Amnesty International reported his condition was the result of beatings he received in custody, although we have not been able to independently confirm this. The 88GS activist was arrested in December 2007 in connection with his alleged role in last September's peaceful pro-democracy protests. Authorities charged him with causing public alarm and inciting offenses against public tranquility.

CONVICTIONS

15. (C) On June 27, a Taunggot township court in Rakhine State sentenced four NLD members to one year in prison for conducting small pro-democracy demonstrations last March. A Taunggot township NLD official confirmed that Ko Than Htay,

RANGOON 00000542 002 OF 002

Ko Zaw Naing, Ko Moe Kyaw, and Ko Aung Naing Min were sent to Sandoway prison on Saturday June 28. The NLD official informed us that officials did not permit family members, friends, and lawyers to attend the activists' trials. Ko Than Htay and Ko Zaw Naing were arrested in March after they rode their bicycles through town calling for Aung San Suu Kyi's release. Ko Moe Kyaw and Ko Aung Naing Min were detained after distributing leaflets urging people to reject the regime's draft constitution in the May referendum. Neither man was charged with political offences, instead the court convicted all four of trespassing.

HTIN KYAW

16. (C) Detained activist Htin Kyaw's lawyer reported that, contrary to exile media reports, his client did appear at a July 3 hearing at a special court at Insein prison. Aung Thein informed us there were no substantive developments in his client's case. He noted however that the judge handling Htin Kyaw's case had been transferred and the new judge would not arrive for at least another week. The next hearing was scheduled take place on July 18.

RUMORED BOMBING ARREST

17. (C) NLD Spokesman U Nyan Win confirmed that Rangoon NLD official Khin Maung was arrested on the afternoon of July 2, but could not verify media reports he was detained in connection with an explosion at a USDA office in Rangoon earlier that day. So far, authorities have not provided any information to Khin Maung's family regarding the reason for his arrest or his condition and whereabouts. On July 4, the online version of The Irrawaddy news magazine reported the NLD official was detained in connection with the bombing, but did not cite any sources or provide additional information to back up its conclusion.

COMMENT

18. (C) Despite increased cooperation with the international

community in response to Cyclone Nargis, the regime continues to crack down on any opposition political activities. While the New Light of Myanmar hails a new era of democracy and praises the government for its cooperation with the international community, Than Shwe's agents continue to neglect, abuse, and silence all opposition to the regime.

VILLAROSA